


**INTERNAL INVESTIGATION REPORT  
CONFIDENTIAL**

**Date:** May 28, 2019

**To:** Robert N. Tafoya, Esq., Tafoya & Garcia – General Counsel

**From:** Martin Kaufman, Esq.   
Nicholas Chavarela, Esq.  
The Kaufman Law Firm, APC

**Re:** West Valley Water District  
Director Clifford O. Young, Sr., Ph.D., District 3

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**EXECUTIVE SUMMARY**

Clifford O. Young, Sr., Ph.D. ("Dr. Young") is a member of the Board of Directors ("BOD" or "Board") of West Valley Water District (the "District"), a water agency primarily serving the western portion of San Bernardino County. Dr. Young represents District 3 of the District and is a former President of the Board.

During the latter part of 2018, the District retained The Kaufman Law Firm to investigate various complaints made by District employees regarding Dr. Young's conduct on multiple occasions during Board meetings and other District business.<sup>1</sup> More specifically, General Manager Clarence C. Mansell, Jr. ("Mansell") and Human Resources and Risk Manager Deborah Martinez ("Martinez") (and collectively, "Complainants") made formal complaints to the District administration that Dr. Young engaged in offensive and harassing workplace misconduct by, among other allegations: (1) berating, verbally abusing and threatening the jobs of Mansell, Martinez and other District employees during a meeting in Mansell's office on or about September 12, 2018; and when Mansell and Martinez complained about his abusive behavior to the District, Dr. Young (2) retaliated by disclosing personal, private and confidential medical information about Mansell to other District employees during a closed session of a Board meeting on or about October 18, 2018. These incidents are linked through several common witnesses, and these events, in conjunction with multiple others as described in greater detail below, show a pattern and practice of Dr. Young's pervasive and persistent abuse and harassment of District employees.

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<sup>1</sup> The District previously retained The Kaufman Law Firm in early 2018 to conduct a separate investigation regarding allegations that Dr. Young retaliated against, harassed and verbally abused the District's prior General Manager for engaging in protected whistleblower activity. The reader is referred to that prior report for a discussion and analysis of those findings.

This report sets forth the findings and conclusions of the investigation conducted by The Kaufman Law Firm regarding Mansell's and Martinez' allegations against Dr. Young – namely, that Dr. Young's alleged conduct violates California and Federal law and the District's Code of Ethics and Board Conduct Policy. The findings are based on the extensive and thorough interviews and information collected and analyzed by The Kaufman Law Firm. This investigation initiated on or about September 12, 2018 and concluded as of the date of this report. The investigators find both Mansell's and Martinez' allegations and respective claims to be substantiated, credible and with merit. More specifically:

- During a meeting in Mansell's office on September 12, 2018, when Dr. Young was present with a small group of District employees including but not limited to Mansell and Martinez, Dr. Young harassed, verbally abused and threatened Mansell, Martinez and the other District employees. Dr. Young pounded the table while yelling profanities and accused Mansell and Martinez of being disloyal. He looked at Martinez and yelled, **"You are all here because of me,"** and **"I brought you here and I can take you out!"** Employees with whom this commentary was directed, instantly understood Dr. Young's statement to mean that they owed Dr. Young some kind of "loyalty" and that if they did not do his bidding, he would cause them to be terminated from the District. Immediately thereafter, Dr. Young made his intentions clear by stating that **"there are others who wish to bring [me] down"** and **"I demand loyalty."** As part of this expletive laden rant, Dr. Young declared, **"I'm tired of getting fucked."** This angry outburst was one of many that caused Martinez to fear for her safety and emotionally traumatized her. Both Martinez and Mansell viewed this outburst as a threat to their jobs should they not engage in conduct which was consistent with his Dr. Young's desire that they align themselves with his interests.
  - Although his conduct toward District employees on September 12, 2018 was objectionable, Dr. Young's actions on that date do not appear to rise to the level of a violation of California *Government Code* ("Govt. Code") § 12940, *et seq.*, commonly described as the Fair Employment and Housing Act ("FEHA"), or the relevant federal statutes described herein;
  - Dr. Young appears to have violated multiple Sections of the District's Code of Ethics and Board Conduct Policy (Approved June 21, 2018), including sections:
    - 1.0 – Responsibilities of Public Office;
    - 2.0 – Fair and Equal Treatment; and
    - 9.1 – General Provisions

- The investigators further find Dr. Young's alleged conduct exposes the District to a state law claim of Intentional Infliction of Emotional Distress from Mansell.
- The investigators also find that during a closed session of the meeting of the BOD on or about October 18, 2018, Dr. Young retaliated against Mansell by discriminating against him based on his alleged medical condition and status as a disabled person
  - harassing him and violating Mansell's medical privacy and confidentiality when he coerced and compelled him to disclose private medical information to other District directors and employees during an official District function.
  - Dr. Young violated several provisions of FEHA including but not limited to:
    - Subsection (a) – Discrimination Based on Medical Condition;
    - Subsection (h) – Retaliation; and
    - Subsection (j) – Hostile Work Environment;
  - Dr. Young invaded and intruded upon Mansell's medical privacy while also violating the Americans with Disabilities Act ("ADA") by acting during an official BOD meeting and intentionally disclosing Mansell's confidential medical condition, for retaliatory purposes.
    - Dr. Young's misconduct on October 18, 2018 also exposes the District to a California state law claim for Intentional Infliction of Emotional Distress; and
    - Dr. Young violated the following Sections of the District's Code of Ethics and Board Conduct Policy (Approved June 21, 2018):
      - 1.0 – Responsibilities of Public Office
      - 2.0 – Fair and Equal Treatment
      - 4.0 – Confidential Information
      - 9.1 and 9.2 – General Provisions

The investigators interviewed thirteen (13) witnesses, not including Dr. Young, who through his legal counsel refused to give an interview or make a statement. Based on all of the evidence presented, the investigators find Mansell's and Martinez' claims to be credible. Conversely, the investigators could find no meaningful evidence to contradict Mansell's and Martinez' claims.<sup>2</sup>

Accordingly, Mansell and Martinez' allegations against Dr. Young appear consistent and well-supported by oral evidence from an abundance of witnesses.<sup>3</sup>

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<sup>2</sup> Neither Dr. Young nor anyone else presented the investigators with any material evidence in defense of Dr. Young.

<sup>3</sup> Dr. Young was the subject of a prior investigation where he was accused, among other things, of harassing, bullying and abusing the District's prior General Manager. In that investigation, the investigators found that although the complainant in that investigation did provide evidence that Dr. Young committed misconduct in those circumstances, Dr. Young also offered